NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

FOR OFFICIAL USE ONLY (MTC)

ENVIRONMENTAL DETERMINATION NO. ED09-177 **DATE: April 29, 2010**

PROJECT/ENTITLEMENT: Velten Lot Line Adjustment / Grading Permits
SUB2009-00017 / PMT2007-02080 / PMT2008-00690

APPLICANT NAME: Mark Velten
ADDRESS: 1928 Upper Lopez Canyon Road, Arroyo Grande, Calif. 93420
CONTACT PERSON: Dennis Schmidt - Granite Ridge Engineering **Telephone:** 805-835-3582

PROPOSED USES/INTENT: Request by Mark Velten for a Lot Line Adjustment between two parcels of 2.6 and 2.5 acres each. The resulting parcels will be approximately 2.59 and 2.51 acres each. The proposal would also adjust the location of existing building envelopes in order to avoid development in a wetland area. This project also includes grading for driveways and building pads to allow the development of a single family residence on each parcel. Grading on proposed Parcel 1 is estimated to include approximately 872 cubic yards of cut and 860 cubic yards of fill over a 24,060 square-foot area. Grading on proposed Parcel 2 is estimated to include approximately 1,071 cubic yards of cut and 1,014 cubic yards of fill over a 23,950 square-foot area. The proposed project is within the Residential Suburban land use category.

LOCATION: The project site is located on the east side of Stagecoach Road, approximately 900 feet northeast of Plancha Way, approximately 0.4 miles northeast of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area.

LEAD AGENCY: **County of San Luis Obispo Department of Planning & Building**
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: Regional Water Quality Control Board
California Department of Fish and Game

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....4:30 p.m. on May 13, 2010

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
976 Osos Street, Room 300, San Luis Obispo, CA 93408-2040

	Michael Conger		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

(ver 34)Users Form

Project Title & No. Velten Lot Line Adjustment and Grading Permits ED09-177 SUB2009-00017 / COAL09-0093; PMT2007-02080; PMT2008-00690

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☐ Aesthetics	☒ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☒ Hazards/Hazardous Materials	☐ Transportation/Circulation
☒ Air Quality	☐ Noise	☒ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water
☐ Cultural Resources	☒ Public Services/Utilities	☒ Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Michael Conger — Signature — 8. APRIL. 2010
Prepared by (Print) — Date

Steven McMasters — Signature — Ellen Carroll, Environmental Coordinator (for) — 4/8/10
Reviewed by (Print) — Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Mark Velten for a Lot Line Adjustment between two parcels of 2.6 and 2.5 acres each. The resulting parcels will be approximately 2.59 and 2.51 acres each. The proposal would also adjust the location of existing building envelopes in order to avoid development in a wetland area. This project also includes grading for driveways and building pads to allow the development of a single family residence on each parcel. Grading on proposed Parcel 1 is estimated to include approximately 872 cubic yards of cut and 860 cubic yards of fill over a 24,060 square-foot area. Grading on proposed Parcel 2 is estimated to include approximately 1,071 cubic yards of cut and 1,014 cubic yards of fill over a 23,950 square-foot area. The proposed project is within the Residential Suburban land use category and is located on the east side of Stagecoach Road, approximately 900 feet northeast of Plancha Way, approximately 0.4 miles northeast of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area.

PROJECT HISTORY:

The two subject parcels were created by the recordation of Parcel Map CO00-0182 in 2006. A Mitigated Negative Declaration was approved for the Parcel Map in 2001. Environmental mitigation for the Parcel Map included establishing building control lines on Parcels 3 and 4. Additionally restrictions were placed on removal of native vegetation on the east side of the building control lines.

Review of aerial photography indicates that removal of native vegetation had occurred over an approximately 2.2 acre area between 2003 and 2007. This removal occurred in conflict with the subdivision's mitigation measures. Because of this, the County was unable to rely on the 2001 Mitigated Negative Declaration. The County instead prepared a new Mitigated Negative Declaration.

The biological report prepared for the grading permit requests identified an area on the site with hydrophytic vegetation. The 2009 Mitigated Negative Declaration required that this area be formally mapped and that any grading and development maintain a 100-foot setback. The applicant agreed with this measure, and subsequently signed the Developer's Statement. The Mitigated Negative Declaration was then distributed to the State Clearinghouse, but was never filed as the grading plans have not yet received approval. The applicant's biological consultant later mapped the wetland area. From this information, it was determined that most of the building envelope on Parcel 3 would be affected by the wetland area and 100-foot setback, thereby resulting in insufficient area to develop a single family residence.

The applicant is now requesting adjustment of the lot lines and building control lines in order to enable development of the project site without impacting wetlands. Grading plans have been revised accordingly. Additionally, the applicant has provided a supplemental letter from a biological consultant (Fisher 2009) supporting a reduced buffer and additional mitigation measures intended to improve the wetland area.

ASSESSOR PARCEL NUMBER(S): 047-127-059, -060

Latitude: 35 degrees 8' 16.195" N Longitude: 120 degrees 33' 31.72" W SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: San Luis Bay (Inland), Rural

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped

TOPOGRAPHY: Moderately sloping

VEGETATION: Grasses

PARCEL SIZE: 5 acres (total site area -- each parcel is approximately 2.5 acres)

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban; undeveloped	*East:* Residential Suburban; residential
South: Residential Suburban; undeveloped	*West:* Residential Suburban; residential

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1. **AESTHETICS** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☐	☒	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☐	☒	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☐	☒	☐
e) Impact unique geological or physical features?	☐	☐	☒	☐
*f) Other:*_____	☐	☐	☐	☐

Setting. The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public vantage points. In addition to the County's General Plan Land Use Element containing several goals addressing orderly urban development and preservation of rural and agricultural areas, the County's Land Use Ordinance (LUO) includes the following provisions to address visual impacts:

- Sec. 22.10.060/23.04.320 includes provisions for new development to reduce light and glare impacts from new exterior lighting;
- Sec. 22.10.080/23.04.190) includes fencing and screening provisions for new development;
- Sec. 22.10.090/23.04.120 specifies height limits;
- Sec. 22.10.140/23.04.100 provides for structural setbacks.

Impact. The project is considered compatible with the surrounding uses. The project is consistent with the LUO sections cited in the Setting section. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary above LUO requirements.

2. **AGRICULTURAL RESOURCES** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	☐	☐	☒	☐
b) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
c) Conflict with existing zoning or Williamson Act program?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Residential Suburban

Historic/Existing Commercial Crops: None

State Classification: Not prime farmland

In Agricultural Preserve? No

Under Williamson Act contract? No

The County's Agricultural and Open Space Element includes a number of agricultural policies relating to reducing or avoiding conflicts from new non-agricultural development near agricultural uses.

The soil type(s) and characteristics on the subject property include:

Lopez very shaly clay loam (9 - 30 % slope). This moderately sloping, shallow gravelly fine loamy soil is considered very poorly drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Pismo loamy sand (9 - 30 % slope). This moderately sloping shallow sandy soil is considered Very poorly drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. The project was reviewed for consistency with the Agriculture and Open Space Element and found to be consistent. No mitigation measures are necessary.

3. AIR QUALITY - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable

3. AIR QUALITY - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☐	☒	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Other: Cumulative Impacts (dust generating activities)	☐	☒	☐	☐

Setting. The County's LUO (Sec. 22.10.030/23.060.080) includes air quality provisions to include review by the Air Pollution Control District (APCD), as well as reduce odors. APCD has developed the 2003 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD). The project is not within close proximity of the following facilities: heavily traveled freeways (more than 100,000 vehicles/day), dry cleaners, or gas stations.

The California Air Resources Board (CARB), the California Environmental Protection Agency, and other governmental agencies with jurisdiction are in the process of developing guidelines and thresholds to address a project's cumulative contribution to greenhouse gas (GHG). Over the last few years, a series of related legislative acts have been made relating to this issue.

There are seven greenhouses gases, as follows, and are in order of their global warming potential: Carbon dioxide, Methane, Nitrous oxide, Chlorofluorocarbons, Hydrofluorocarbons, Perfluorocarbons, and Sulfur hexafluoride.

In addition, the County is presently in non-attainment for particulate matter (i.e., dust) under State standards.

Impact. The project will involve grading with approximately 3,817 cubic yards of total earth movement between the two parcels, over a 48,010 square foot total site area. The grading could potentially create dust related impacts. The amount of particulate matter created, however, is expected to be below the 10 pounds-per-day threshold, and would thus be considered insignificant. Cumulatively, however, dust generation may contribute towards a significant impact for fugitive dust / particulate matter, as the County is presently in non-attainment for particulate matter under California standards. Impacts related to dust generating activities are considered significant but mitigable.

The project is consistent with the general level of development anticipated and projected in the Clean Air Plan.

Greenhouse Gases - As an interim effort until such time CARB formalizes a process for development to follow, the following is a qualitative discussion of the project's impacts, as well as measures to reduce the project's GHG production. The proposed development will result in an increase of human activity, including increased use of vehicles and electricity, which will generate small increased amounts of carbon dioxide, nitrous oxides, and hydrofluorocarbons.

Although not originally intended to reduce greenhouse gas emissions, California Code of Regulations Title 24 (Energy Efficiency Standards for Residential and Nonresidential Buildings) were first established in 1978 to reduce California's energy consumption. The standards are updated periodically with the latest amendments in October 2005. The current standards require homes to use half the energy they used only a decade ago. Energy efficient buildings require less electricity; electricity production by fossil fuels results in greenhouse gas emissions (namely CO2, methane, nitrous oxide). The project is subject to these Title 24 energy efficiency requirements resulting in decreased greenhouse gas emissions.

Based on initial APCD thresholds of 7,000 metric tons of GHG air pollutants, the project's cumulative contribution to GHG emissions is below this amount, and therefore considered insignificant. At such time that more detailed GHG guidelines and/or thresholds are established by the ongoing CARB statewide process for GHG, additional mitigation may be appropriate.

Mitigation/Conclusion. The project will be subject to standard dust control measures as recommended by the Air Pollution Control District. These measures include, but are not limited to, the following:

- Reducing the amount of disturbed area when possible.
- Using water trucks and sprinkler systems to prevent dust from leaving the site.
- Dirt stockpiles sprayed daily and as needed.
- Driveways and sidewalks paved as soon as possible.

Please refer to Exhibit B – Mitigation Summary Table for a detailed list of required mitigation measures. Incorporation of these measures will reduce impacts to less than significant levels..

4. BIOLOGICAL RESOURCES - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐
c) Impact wetland or riparian habitat?	☐	☒	☐	☐
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting. The following are existing elements on or near the proposed project relating to potential

biological concerns:

On-site Vegetation: grassland

Name and distance from blue line creek(s): Arroyo Grande Creek is located about 0.47 miles to the east.

Habitat(s): Coastal Oak Woodland, Pismo Clarkia habitat, CA red-legged frog habitat

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Plants- Hoover's bentgrass *(Agrostis hooveri)* has been found about 0.68 mile to the southwest. This perennial herb prefers sandy soils in open chaparral, cismontane woodland, and valley and foothill grassland area below the 600-meter (1,970-foot) elevation. The species blooming period is April-July. Hoover's bentgrass is considered rare by the California Native Plant Society (List 1B, RED 2-2-3).

Pismo clarkia *(Clarkia speciosa* ssp. *immaculate)* has been found about 0.27 mile to the north and 0.41 mile to the northeast. This annual herb occurs on low, sandy hills (up to the 185 meter (600-foot) elevation) from Pismo to Edna Valley. Pismo clarkia populations are found in valley and foothill grasslands, and in the margins between chaparral and oak woodland communities near the coast. This species is listed as Federally endangered, State rare, and extremely rare by CNPS (List 1B, RED 3-3-3).

San Luis Obispo owl's-clover (*Castilleja densiflora ssp. obispoensis*) has been found about 0.62 mile to the northwest. This annual herb is found in valley and foothill grasslands at elevations between 10 to 400 meters (30 to 1,315 feet). The blooming period is April. Obispo Indian paintbrush is considered rare by CNPS (List 1B, RED 2-2-3).

The straight- or one-awned spineflower (*Chorizanthe rectispina*) has been found about 0.62 mile to the northwest. This annual herb is typically found on sandy or gravelly soils in chaparral, cismontane woodland, and coastal scrub areas between the 200 and 1035-meter elevations (655 to 3,400 feet). The blooming period is May through July. The straight- or one-awned spineflower is considered rare by CNPS (List 1B, RED 3-1-3).

Wells's manzanita *(Arctostaphylos wellsii)* has been found about 0.62 mile to the northwest. This evergreen shrub is found primarily on sandstone soils in closed cone coniferous forests and chaparral areas; in addition, individual shrubs have been observed growing in the shade of coast live oak trees on steep north-facing slopes. The typical flowering period is December through April. The species grows at elevations between 30 to 400 meters (100 to 1,315 feet). Wells's manzanita is considered rare by CNPS (List 1B, RED 2-3-3).

Wildlife- California red-legged frog *(Rana aurora draytonii)* has been found about 0.62 mile to the west, 0.80 mile to the southwest, and 0.45 mile to the southeast. California red-legged frog is considered federally threatened. This species typically inhabits shorelines with extensive vegetation. The frog requires 11 to 20 weeks of permanent water for larval development.

South/Central Coast Steelhead Trout *(Oncorhynchus mykiss)* has been found about 0.45 mile to the southeast. South/Central Coast Steelhead Trout is considered federally threatened and a California species of Special Concern. This species require cool, deep pools for holding through the summer, prior to spawning in the winter. Generally they are found in shallow areas, with cobble or boulder bottoms at the tails of pools. This species is threatened by water quality degradation (e.g., siltation, urban and agricultural pollutants), loss of riparian vegetation, and low instream flows resulting

from water diversion, ground water pumping and periodic drought.

Southwestern pond turtle *(Emys (or Clemmys) marmorata pallida)* has been found about 0.89 mile to the southeast. Southwestern pond turtle is a federal and California Species of Special Concern. This is an aquatic turtle that uses upland habitat seasonally. They occur in ponds, streams, lakes, ditches, and marshes. The species prefers slow-water aquatic habitat with available basking sites nearby. Hatchlings require shallow water habitat with relatively dense submergent vegetation for foraging.

Habitat- California red-legged frogs *(Rana aurora draytonii)* habitat has been found on-site. California red-legged frog is listed as federally threatened, and considered a California Special Concern species by the CDFG (CDFG, 2002). They historically have ranged from Marin County southward to northern Baja California. Presently, Monterey, San Luis Obispo, and Santa Barbara counties support the largest remaining California red-legged frog populations within the state. The California red-legged frog is a large (85-138 millimeters) reddish-brown frog with variable red pigment on the ventral surfaces. Riparian habitat degradation, urbanization, predation by bullfrogs, and historic market harvesting have all reportedly contributed to population declines in this species.

The species occurs in varied habitats during its life cycle. Breeding areas include lagoons, streams and ponds, including siltation and irrigation ponds. California red-legged frogs typically breed from January to July, with peak breeding occurring in February. Juvenile frogs are found in open, shallow aquatic habitats containing dense emergent vegetation.

Adult California red-legged frogs prefer aquatic habitats with little or no flow, the presence of surface water to at least early June, surface water depths to at least 0.7 meter (2.3 feet), and the presence of fairly sturdy underwater supports such as cattails. The largest densities of California red-legged frogs are typically associated with dense stands of overhanging willows and an intermixed fringe of sturdy emergent vegetation. Although the species can inhabit ephemeral streams or ponds, populations probably cannot be maintained in ephemeral streams in which all surface water disappears. Adult California red-legged frogs are primarily nocturnal, although metamorphs and juveniles are known to be active during the day and night.

Coast live oak woodland (10-33%) has been found about 0.88 mile to the north, and (34-75%) has been found about 0.67 mile to the southeast. Coast live oak woodlands total approximately 85,000 acres within the County of San Luis Obispo. They are generally common in coast ranges within the valley bottoms as well as on slopes, and are dominated by the evergreen tree species coast live oak (Quercus agrifolia), which usually occurs in pure stands. Coast live oak woodlands typically do not form a continuous belt, but rather, occur as a mosaic closely associated with communities such as coastal scrub, chaparral and non-native grassland. Where coast live oak woodland integrates into other plant communities, the understory becomes highly variable. Characteristic species include Pacific madrone (*Arbutus menziesii*), coulter pine (*Pinus coulteri*), coast live oak (*Quercus agrifolia*), poison oak, and California Bay (*Umbellularia californica*).

Pismo clarkia *(Clarkia speciosa* ssp. *immaculate)* potential and critical habitat has been found on-site and about 0.76 mile to the west. This annual herb occurs on low, sandy hills (up to the 185 meter (600-foot) elevation) from Pismo to Edna Valley. Pismo clarkia populations are found in valley and foothill grasslands, and in the margins between chaparral and oak woodland communities near the coast. This species is listed as Federally endangered, State rare, and extremely rare by CNPS (List 1B, RED 3-3-3).

Impact. Wildlife – Sensitive wildlife identified in the vicinity are all associated with riparian areas. The

proposed project does not involve development within riparian areas. The on-site habitat is not considered to support the wildlife species listed above. Because of this, impacts to the sensitive status wildlife species are considered less than significant.

Plants and Habitats – The applicants have provided an in-season botanical report to survey for the presence of special status plant species (Holland 2008). The report notes that the vegetation on the parcel was disturbed by "past clearing of brush." Review of aerial images between 2003 and 2007 supports this finding. From the aerials, it appears that approximately 2.2 acres of coastal scrub vegetation was previously cleared. The area of previous disturbance largely encompasses the area now proposed for grading/development. It is undetermined if oak trees were removed from the project site in association with this work. That subdivision imposed conditions of approval restricting development and vegetation removal on the site:

- No oak trees shall be removed.
- All future buildings and ground disturbance will occur outside the root zone of mature oak trees.
- All future buildings on Lots 3 and 4 shall be located northwest of the building control line.

Prior removal of the coastal scrub vegetation over the 2.2 acre area occurs in potential violation to the conditions of approval.

Additionally this removal has resulted in conversion of the predominant vegetation communities on the project site from coastal scrub to nonnative grasslands. Some of the areas are, however, naturally being re-established with coastal scrub vegetation as documented in the botanical report (Holland 2008 – photo 3 through 5). Nonnative grassland conversion areas primarily occur around the cul-de-sac bulb and building pads, within the designated building areas.

However, the condition of the site as it exists upon initiation of this environmental determination is considered the baseline for the purpose of the impact analysis contained herein.

No special status plant species were identified on the site (Holland 2008).

Oaks – Development on the project site could result in impacts to oak trees. These impacts can occur as a result of site disturbance within the root zone or alteration of drainage patterns, and are considered significant but mitigable. The project botanist (Holland 2008) recommends inclusion of mitigation measures to reduce impacts to a less-than-significant level.

Wetlands – The project botanist has identified hydrophytic species which may indicate the presence of wetlands (Holland 2008). Site development in these areas could result in impacts to wetland habitat. The wetland areas were identified and mapped by a biological consultant (Fisher 2009). Based on the biologist's recommendations, the applicant has agreed to maintain a 25-foot setback from the mapped wetland areas. In order to offset potential indirect impacts from residential development occurring within close proximity to the wetlands, the biologist further recommends enhancement of the wetland area by planting of willows.

Mitigation/Conclusion. Plants and Habitats – In addition to adhering to subdivision conditions of approval regarding vegetation clearance, the applicant shall spread a native seed mix in the areas previously disturbed by brush clearing outside of the building control area in order to enhance natural revegetation of that area. Additionally, vegetation removal, brush clearance, or grubbing shall be prohibited outside of the building control area except as necessary to fulfill brush modification requirements imposed by CDF/County Fire. In the circumstances where CDF/County Fire requires brush clearance outside of the building control area, the work shall be the minimum necessary to comply with fire safety requirements. Every effort shall be made to maintain root systems of native vegetation intact.

Oaks – In addition to adhering to subdivision conditions of approval prohibiting oak tree removal and impact, the applicant shall incorporate the oak tree mitigation measures recommended by the project botanist (Holland 2008). These measures include the following:

- Autos, trucks, and machinery shall not be parked or driven under oak trees.
- The drainage plan shall be designed such that water does not accumulate under the drip line of oak trees. Soil under the oak trees shall be well drained but not excessively drained. Drainage patterns around oak trees shall maintain existing patterns to the greatest extent feasible.
- Pruning of trees shall be kept to a minimum. A qualified biologist shall monitor pruning methods.
- Erosion control measures shall be put in place during and after construction activities. This is already a requirement under county ordinance standards.

Wetlands – A 25-foot setback shall be maintained from areas mapped as wetlands (Fisher 2009). No site disturbance activities shall occur within that setback area. Grading plans shall show the limits of of the mapped wetland areas and shall clearly delineate the required 25-foot setback. The 25-foot setback shall be measured from the identified limits of the wetland area. Additionally, the applicant shall plant 22 willow cuttings and maintain the willow plantings for a two year period.

5. CULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	☐	☐	☒	☐
b) Disturb historic resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
*d) Other:*_____	☐	☐	☐	☐

Setting. The County's LUO (Sec.22.10.040/23.05.140) includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved. The project is located in an area historically occupied by the Obispeno Chumash. . No historic structures are present and no paleontological resources are known to exist in the area.

Impact. A Phase I (surface) survey was conducted (Gibson 2001; quoted by Auchinachie 2001). No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary above LUO requirements.

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☒	☐	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?	☐	☐	☐	☒
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☒	☐	☐
d) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
e) Include structures located on expansive soils?	☐	☐	☒	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☒	☐	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☒	☐
h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☐	☒	☐
i) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
*j) Other:*_____	☐	☐	☐	☐

Setting

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Moderate to high

Liquefaction Potential: Low

Nearby potentially active faults?: Yes Distance? 1.48 mile to the southwest

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Arroyo Grande Creek Distance? Approximately 0.47 mile to the east

Soil drainage characteristics: Very poorly drained

Creation of impervious surfaces and modification of topography can change the direction, velocity, and volume of drainage flow.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (Sec. 22.52.080/ 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: Low

While erodibility is considered low, disturbance of soils, removal of vegetation, and other construction activities can hasten erosion.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090/ 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Because of the amount of soil disturbance proposed and the steep slopes in this area, the project has the potential to cause erosion and sedimentation. Given these site conditions, the project would trigger Land Use Ordinance requirements for the preparation of an erosion and sedimentation control plan.

Impact. As proposed, the project will result in the disturbance of approximately 48,010 square feet.

Mitigation/Conclusion. After considering the geological and soil-related provisions of the LUO, the following reports will be required prior to construction: sedimentation and erosion control plan, drainage plan, SWPPP (potentially required, as determined by the Regional Water Quality Control Board). These reports are required to include measures to minimize any impacts identified in the report and then implemented into the project. There is no evidence that measures above what will already be required by ordinance or codes are needed.

7. **HAZARDS & HAZARDOUS MATERIALS** - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☐	☒	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☐	☒	☐
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	☐	☒	☐	☐
e) Create any other health hazard or potential hazard?	☐	☐	☐	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project is not located in an area of known hazardous material contamination. With regards to potential fire hazards, the subject project is within the high Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 15-20 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. Located residential structures in area of high fire hazard may pose a substantial fire risk. Impacts related to fire risk are considered significant but mitigable. This project, along with others in the area, will have a cumulative effect on fire protection. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary above what is already required by existing ordinance or regulation. The project has been reviewed by CalFire for consistency with the Uniform Fire Code and will be required to prepare a fire safety plan. Regarding cumulative effects, public facility (county) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

8. NOISE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐

8. NOISE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☐	☒	☐
c) Expose people to severe noise or vibration?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. The project is consistent with the County's Noise Element. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Use substantial amount of fuel or energy?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. The project is consistent with the County's Housing Element. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☒	☐	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff — Location: Oceano (Approximately 6.29 miles to the southwest)

Fire: Cal Fire (formerly CDF) — Hazard Severity: High — Response Time: 15-20 minutes

Location: Nipomo Mesa Station 21 (Approximately 8.3 miles to the south)

School District: Lucia Mar Unified School District.

The County's LUO (Sec. 22.10.150/23.04.280) includes provisions for new development on trash collection and recycling. The project is subject to compliance with the Uniform Fire Code. The project is outside of the Airport Review combining designation.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. The project has been reviewed by CalFire for consistency with the Uniform Fire Code and will be required to prepare a fire safety plan. Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☒	☐
c) Other _____	☐	☐	☐	☐

Setting. The Parks and Recreation Element does not show any potential trails through the project site. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. The project is consistent with the County's Trail Plan and the Parks and Recreation Element. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Increase vehicle trips to local or areawide circulation system?	☐	☐	☒	☐
b) Reduce existing "Levels of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Result in inadequate parking capacity?	☐	☐	☒	☐
f) Result in inadequate internal traffic circulation?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☐

Setting. The county has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The existing road network in the area, including the project's access road (Stagecoach Road) is operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

Impact. The proposed project is estimated to generate about 20 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This small amount of additional traffic will not result in a

significant change to the existing road service or traffic safety levels. The project does not conflict with the closest airport and associated Airport Land Use Plan. The project does not conflict with the County's Bike Plan. No significant project-level traffic impacts were identified.

Mitigation/Conclusion. No mitigation measures above what are already required by ordinance are necessary.

13. **WASTEWATER** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) ***Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?***	☐	☒	☐	☐
b) ***Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?***	☐	☐	☒	☐
c) ***Adversely affect community wastewater service provider?***	☐	☐	☒	☐
d) ***Other:*** _____	☐	☐	☐	☐

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances);
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30

minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);

- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

--***shallow depth to bedrock***, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface. In this case, due to limited availability of information relating to the shallow depth to bedrock characteristic, the following additional information may be needed prior to issuance of a building permit: soil borings at leach line location(s) showing that there is adequate distance to bedrock. If adequate distance cannot be shown, a county-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required.

--***steep slopes***, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent.

Impacts/Mitigation. Sewage system design must be consistent with the Uniform Plumbing Code and the Central Coast Basin Plan, or the project's future construction permit(s) will not be approved. The site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. In this case, the proposed leach lines are located on the portion of the subject property that is comparatively level (around 10 percent slopes) and sufficiently set back from any steep slopes to avoid potential daylighting of effluent. Therefore, no measures are necessary above what is called out for in the CPC/Basin Plan to address potential steep slopes. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. WATER - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any water quality standards?	☐	☒	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	☒	☐	☐

14. WATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Change the quantity or movement of available surface or ground water?	☐	☒	☐	☐
e) Adversely affect community water service provider?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project proposes to use an on-site well as its water source. Water availability is known to be a potential concern in this area. In order to address this, the original subdivision project included mitigation measures to bring water availability impacts to a less-than-significant level. These measures include the following:

- Limitation on development to one residential unit per parcel (effectively reducing potential density by one-half).
- Submittal of a water conservation and education program for distribution to future owners. This was completed and submitted (Newman 2008).

The topography of the project is moderately sloping The closest creek (Arroyo Grande Creek) from the proposed development within the watershed is approximately 0.47 mile to the east. As described in the NRCS Soil Survey, the soil surface is around the project is considered to have low erodibility.

The subject property is within the Pismo Creek Valley groundwater basin.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. The SWPPP program is currently administered by the Central Coast Regional Water Quality Control Board (RWQCB). This includes projects which are part of larger common plan of development which exceeds one acre in size. The proposed grading activities are less than one acre. As the vegetation removal occurred over an area in excess of one acre, it is unknown if the RWQCB considers this project to be subject to SWPPP requirements.

When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact. The following project components will result in water use: new residences, landscaping. Based on the project description, as calculated on the County's water usage worksheet, the project's water usage is estimated as follows:

Indoor: 0.352 acre feet/year (AFY);
Outdoor: 1.020 AFY
Total Use: 1.372 AFY

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Regarding surface water quality, as proposed, the project will result in the disturbance of

approximately 48,010 square feet. The project is not within close proximity to surface water sources. However, as discussed in the "Geology/Soils" section of this report, this level of disturbance could cause erosion of topsoil, which could subsequently result in sedimentation of a stream. This impact is considered significant but mitigable.

Mitigation/Conclusion. Existing conditions of approval that will reduce impacts related to water availability will remain in place as required mitigation for the proposed project. Regarding SWPPP requirements, the applicant will be required to prepare a SWPPP or otherwise demonstrate that a SWPPP is not required by the RWQCB. Drainage plans and erosion and sedimentation erosion control plans are already required under ordinance requirements. Both plans are required under Land Use Ordinance standards due to the area of site disturbance and slopes.

15. LAND USE - *Will the project:*	**Inconsistent**	**Potentially Inconsistent**	**Consistent**	**Not Applicable**
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☒	☐	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer to Exhibit A on reference documents used, or previous Initial Study sections).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Subdivision Conditions of Approval – Removal of vegetation occurred over an area of approximately 2.2 acres, including the project site. Much of this area is outside of the designated building control area. Based on site visits and review of aerials, it is likely that this removal included ground disturbance within the root zone of oak trees. Removal of vegetation outside of the building control area was not considered under the previous environmental document for the subdivision. Based on this, it appears that there may have been violation of one or more conditions of approval. Violations of conditions of approval constitutes a violation of the Land Use Ordinance, specifically Section

22.01.070C.

As evidenced by the botanical report, some of the previously disturbed area is naturally revegetating with coastal scrub species. Mitigation measures proposed under the Biological Resources section of this report include provisions for spreading a scrub seed mix in the area beyond the building control line to further enhance the likelihood that the scrub habitat will successfully regenerate.

The building control lines established in the subdivision were done without knowledge of the wetland areas. As a result, the building control line on existing Parcel 3 would practically force development to occur in such a way as to impact the wetland area. The proposed Lot Line Adjustment would reconfigure the building control line areas in order to allow development to maintain a 25-foot setback from the wetland area. Adjustments to the building control line may be approved through the Lot Line Adjustment process.

Mitigation/Conclusion. The apparent violation of the conditions of approval and the Land Use Ordinance constitute a significant but mitigable impact. Mitigation measures required as part of this project are designed to ensure compliance with the original conditions of approval for the subdivision that created the subject parcels. Potential impacts to the wetlands created by subdivision restrictions (i.e. building control line) are being addressed through the Lot Line Adjustment process. No substantial inconsistencies to land use policies were identified, and therefore, no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☒	County Environmental Health Division	**None**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Game	**Not Applicable**
☒	CA Department of Forestry (Cal Fire)	**In File****
☒	CA Department of Transportation	**None**
☐	Community Service District	**Not Applicable**
☒	Other City of Arroyo Grande	**None**
☐	Other _____	**Not Applicable**

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☒ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☒ Energy Element
  - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☒ Real Property Division Ordinance
- ☐ Trails Plan
- ☐ Solid Waste Management Plan
- ☒ San Luis Bay (Inland) Area Plan and Update EIR
- ☐ Circulation Study

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other ____

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Auchinachie, Lynda (October 24, 2001). Initial study summary – environmental checklist. Christie tentative parcel map CO00-0182 (S010051P) / ED01-237. County of San Luis Obispo Department of Planning and Building.

Referencing **Gibson (2001).** Archaeological report.

Fisher, Wendy C. (October 27, 2009). Preliminary wetland resource evaluation, Parcel 3, Stagecoach Road, unincorporated area near Arroyo Grande, California. San Luis Obispo, Calif.: LSA Associates, Inc.

Holland, V.L. (June 30, 2008). Botanical report. Stagecoach Road, Parcel 3 (APN: 047-127-059) and Parcel 4 (APN: 047-127-059), CO00-0182. Arroyo Grande area.

Newman, Pamela (June 18, 2008). Master water conservation education program. Parcel map CO00-0182. Morro Bay, Calif: Newman Planning and Landscape.

Exhibit B - Mitigation Summary Table

Air Quality

AQ-1. The following measures shall be incorporated into to control dust associated with grading activities:

a. Reduce the amount of the disturbed area where possible;

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

c. All dirt stockpile areas should be sprayed daily as needed; and

d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Biological Resources

BR-1. **Prior to or concurrent with the effectuation of the Lot Line Adjustment,** the mitigation agreement to be recorded on title of the subject properties shall include an attached graphical exhibit showing the location of the revised building control line and 25-foot setback line as measured from the mapped wetland area. The exhibit shall specify that any site disturbance, grading, and building activities occurring beyond the building control line and/or within the wetland setback are prohibited.

BR-2. **Prior to issuance of grading or construction permits,** the applicant shall show the location, size, and species of all oaks within 50 feet of site disturbance activities. In order to comply with subdivision conditions of approval, the project shall adhere to the following:

a. No mature oak trees (greater than or equal to 6 inches diameter at breast height) shall be removed.

b. No oak trees shall be impacted. No structures or ground disturbance (including grading, vegetation removal, trenching for utilities, etc.) shall occur within the root zone of mature oak trees (greater than or equal to 6 inches diameter at breast height). The root zone extends outwards from the trunk to one and one-half times the dripline radius. To avoid impacts, retaining walls or tree wells may be necessary.

c. Oak trees shall be flagged for protection and protective fencing shall be installed at the root zone before and during all site disturbance activities. Grading plans shall show the location of protective fencing.

d. Removal of native understory within the root zone of oak trees shall not occur.

BR-3. **Prior to issuance of grading or construction permits,** the applicant shall supply a drainage plan in accordance with Chapter 22.52 of the Land Use Ordinance for review and approval by the Department of Planning and Building and Department of Public Works. The drainage plan shall show the location of all oaks within 50 feet of site disturbance activities. The drainage plan shall be designed such that existing drainage patterns around oak trees are maintained to the maximum extent feasible. Drainage shall be designed such that water does not accumulate under the dripline of oak trees. Soil under the oak trees shall be well drained but not excessively drained.

BR-4. **Prior to issuance of grading or construction permits,** the applicant shall show the boundaries of the wetlands on the grading plans, as mapped by LSA (Fisher 2009). A 25-foot setback line shall be established from that boundary. No site disturbance, construction, or staging activities shall occur within the wetland area and/or within the 25-foot setback area.

BR-5. **Prior to issuance of grading or construction permits,** the applicant shall provide landscaping plans in accordance with the provisions of Chapter 22.16, showing the planting of 22 willow cuttings. The landscaping plans shall include planting plans, irrigation plans, and maintenance plans. Willow cuttings shall be maintained and periodically watered during the establishment period (first 2 years).

BR-6. As soon as possible and **prior to final inspections,** areas previously disturbed by brush removal and/or grubbing activities outside of the building control area shall be restored. An appropriate seed mix, as specified below, shall be used to restore these areas. Notes shall be provided on the grading plans **prior to issuance of grading or construction permits,** to indicate compliance with this measures.

NATIVE SEED MIX

Species	lbs/acre
Abronia umbellata (pink sand verbena)	0.25
Artemisia californica (California sagebrush)	0.25
Ceanothus cuneatus (buckbrush)	1.00
Corethrogyne filaginifolia (California aster)	0.25
Croton californicus	0.20
Eriogonum parvifolium (buckwheat)	0.20
Eriophyllum confertiflorum (golden yarrow)	0.20
Eschscholzia californica (California Poppy)	0.50
Horkelia cuneata	0.20
Lotus scoparius (deerweed)	1.20
Mimulus aurantiacus (bush monkeyflower)	0.25
Rhamnus californica (coffeeberry)	0.20
Salvia mellifera (black sage)	0.50
Nasella (Stipa) pulchra (purple needlegrass)	1.50

BR-7. **For the life of the project,** pruning of oak trees shall be kept to a minimum. A qualified biologist shall monitor pruning methods.

BR-8. **For the life of the project,** autos, trucks, and machinery shall not be driven under oak trees.

BR-9. **For the life of the project,** vegetation removal, brush clearance, or grubbing shall be prohibited outside of the building control area except as necessary to fulfill brush modification requirements imposed by CDF/County Fire. In the circumstances where CDF/County Fire requires brush clearance outside of the building control area, the work shall be the minimum necessary to comply with fire safety requirements. In these circumstances, every effort shall be made to maintain root systems of native vegetation in tact.

Water

W-1. **Prior to issuance of grading or construction permits,** the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) or otherwise demonstrate that preparation of a SWPPP is not required by the Central Coast Regional Water Quality Control Board (RWQCB).

Date: April 8, 2010

DEVELOPER'S STATEMENT FOR
Velten Lot Line Adjustment and Major Grading Permits
SUB2009-00017, PMT2007-02080, and PMT2008-00690 / ED09-177

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

AQ-1. The following measures shall be incorporated into to control dust associated with grading activities:

a. Reduce the amount of the disturbed area where possible;

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

c. All dirt stockpile areas should be sprayed daily as needed; and

d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Monitoring AQ-1: Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator during the building and grading plan review. The building and grading permits will not be issued unless this measure has been satisfied.

Biological Resources

BR-1. **Prior to or concurrent with the effectuation of the Lot Line Adjustment,** the mitigation agreement to be recorded on title of the subject properties shall include an attached graphical exhibit showing the location of the revised building control line and 25-foot setback line as measured from the mapped wetland area. The exhibit shall specify that any site disturbance, grading, and building activities occurring beyond the building control line and/or within the wetland setback are prohibited.

Monitoring BR-1: The applicant will enter into a mitigation agreement in a form acceptable to County Counsel. That mitigation agreement will record on the title of the two subject parcels concurrently with the effectuation of the Lot Line Adjustment. Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator prior to effectuation of the Lot Line Adjustment.

BR-2. **Prior to issuance of grading or construction permits,** the applicant shall revise grading plans to show the location, size, and species of all oaks within 50 feet of site disturbance activities. In order to comply with subdivision conditions of approval, the project shall adhere to the following:

a. No mature oak trees (greater than or equal to 6 inches diameter at breast height) shall be removed.

b. No oak trees shall be impacted. No structures or ground disturbance (including grading, vegetation removal, trenching for utilities, etc.) shall occur within the root zone of mature oak trees (greater than or equal to 6 inches diameter at breast height). The root zone extends outwards from the trunk to one and one-half times the dripline radius. To avoid impacts, retaining walls or tree wells may be necessary.

c. Oak trees shall be flagged for protection and protective fencing shall be installed at the root zone before and during all site disturbance activities. Grading plans shall show the location of protective fencing.

d. Removal of native understory within the root zone of oak trees shall not occur.

BR-3. **Prior to issuance of grading or construction permits,** the applicant shall supply a drainage plan in accordance with Section 22.52.080 of the Land Use Ordinance for review and approval by the Department of Planning and Building and Department of Public Works. The drainage plan shall show the location of all oaks within 50 feet of site disturbance activities. The drainage plan shall be designed such that existing drainage patterns around oak trees are maintained to the maximum extent feasible. Drainage shall be designed such that water does not accumulate under the dripline of oak trees. Soil under the oak trees shall be well drained but not excessively drained.

BR-4. **Prior to issuance of grading or construction permits,** the applicant shall show the boundaries of the wetlands on the grading plans, as mapped by LSA (Fisher 2009). A 25-foot setback line shall be established from that boundary. No site disturbance, construction, or staging activities shall occur within the wetland area and/or within the 25-foot setback area.

BR-5. **Prior to issuance of grading or construction permits,** the applicant shall provide landscaping plans in accordance with the provisions of Chapter 22.16, showing the planting of 22 willow cuttings. The landscaping plans shall include planting plans, irrigation plans, and maintenance plans. Willow cuttings shall be maintained and periodically watered during the establishment period (first 2 years).

Monitoring BR-2 through BR-5: Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator during the building and grading plan review. The building and grading permits will not be issued unless these measures have been satisfied.

BR-6. As soon as possible and **prior to final inspections,** areas previously disturbed by brush removal and/or grubbing activities outside of the building control area shall be restored. An appropriate seed mix, as specified below, shall be used to restore these areas. Notes shall be provided on the grading plans **prior to issuance of grading or construction permits,** to indicate compliance with this measures.

NATIVE SEED MIX

Species	lbs/acre
Abronia umbellata (pink sand verbena)	0.25
Artemisia californica (California sagebrush)	0.25
Ceanothus cuneatus (buckbrush)	1.00
Corethrogyne filaginifolia (California aster)	0.25
Croton californicus	0.20
Eriogonum parvifolium (buckwheat)	0.20
Eriophyllum confertiflorum (golden yarrow)	0.20
Eschscholzia californica (California Poppy)	0.50
Horkelia cuneata	0.20
Lotus scoparius (deerweed)	1.20
Mimulus aurantiacus (bush monkeyflower)	0.25
Rhamnus californica (coffeeberry)	0.20
Salvia mellifera (black sage)	0.50
Nasella (Stipa) pulchra (purple needlegrass)	1.50

Monitoring BR-6: Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator during the building and grading plan review and prior to final inspections. The building and grading permits will not be issued unless appropriate notes are included on the plans. Final inspections will not occur unless this measure has been fully satisfied.

BR-7. **For the life of the project,** pruning of oak trees shall be kept to a minimum. A qualified biologist shall monitor pruning methods.

BR-8. **For the life of the project,** autos, trucks, and machinery shall not be driven under oak trees.

BR-9. **For the life of the project,** vegetation removal, brush clearance, or grubbing shall be prohibited outside of the building control area except as necessary to fulfill brush modification requirements imposed by CDF/County Fire. In the circumstances where CDF/County Fire requires brush clearance outside of the building control area, the work shall be the minimum necessary to comply with fire safety requirements. In these circumstances, every effort shall be made to maintain root systems of native vegetation in tact.

Monitoring BR-7 through BR-9: The landowner and all successors in interest are responsible to ensure compliance with these measures. Failure to comply with these measures may result in code enforcement action.

Water

W-1. **Prior to issuance of grading or construction permits,** the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) or otherwise demonstrate that preparation of a SWPPP is not required by the Central Coast Regional Water Quality Control Board (RWQCB).

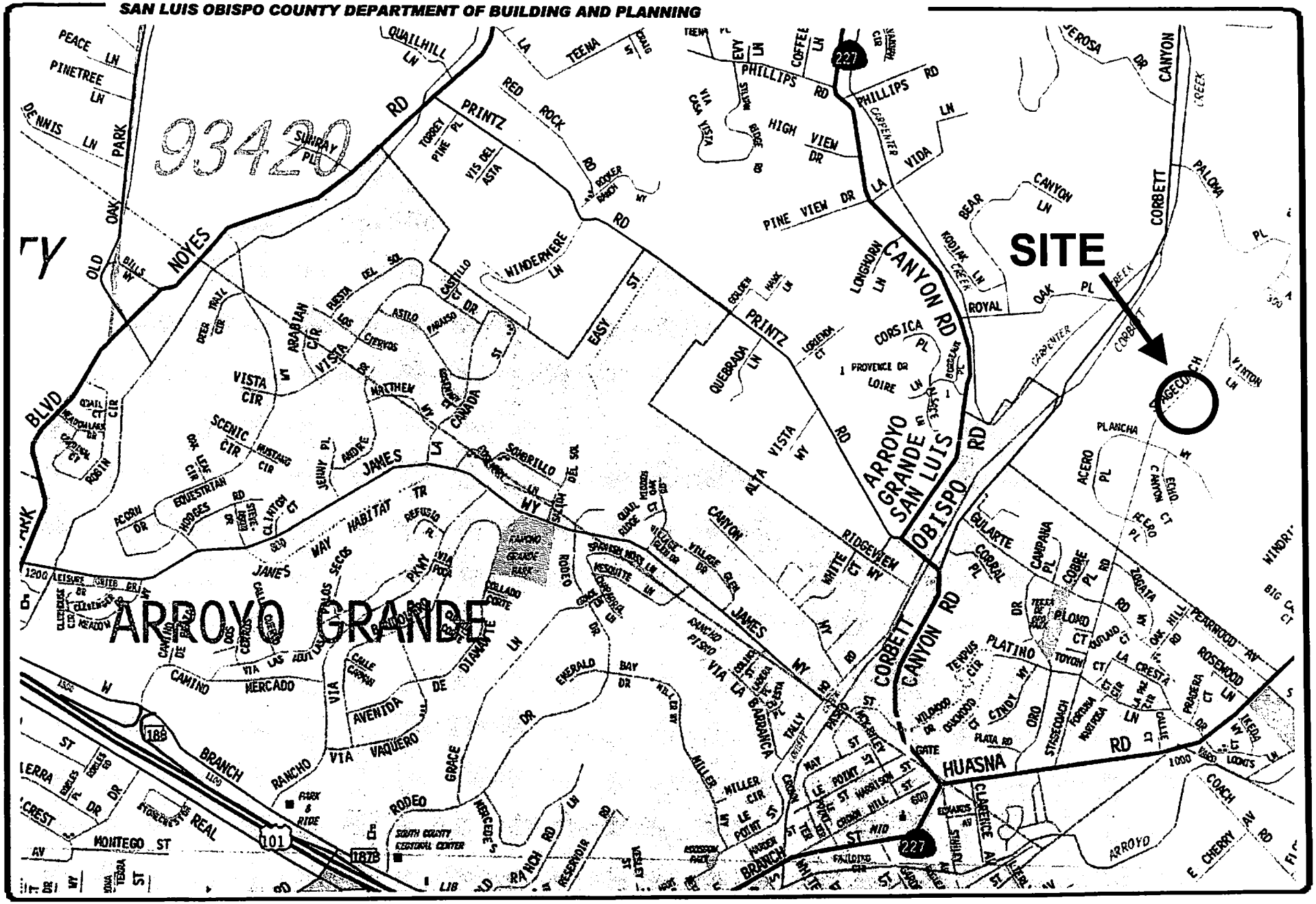
> **Monitoring W-1:** Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator during the building and grading plan review. The building and grading permits will not be issued unless this measure has been satisfied.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s) 4/13/10
Date

Mark Velten
Name (Print)

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



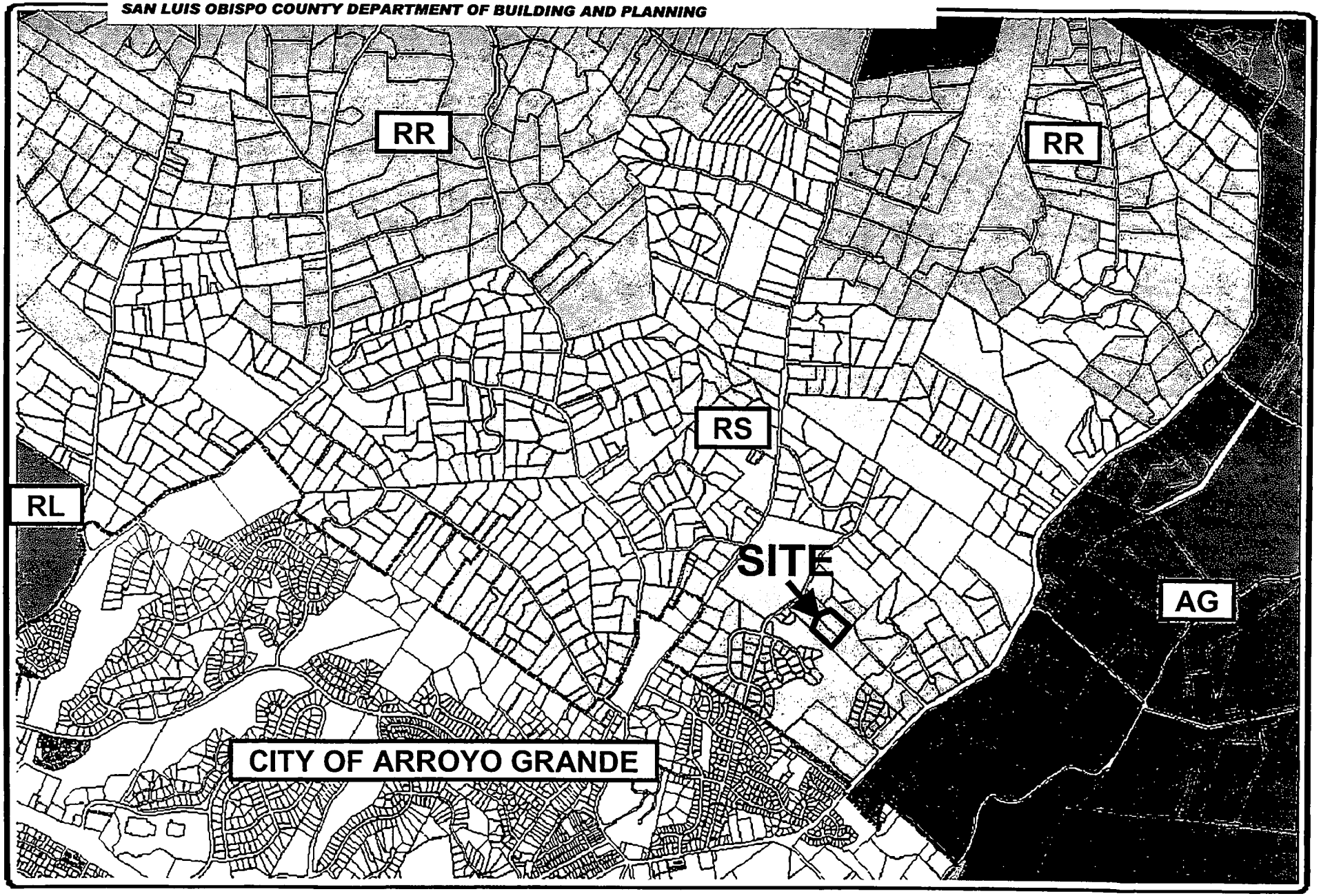
PROJECT

Lot Line Adjustment COAL09-0093
Velten SUB2009-00017

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



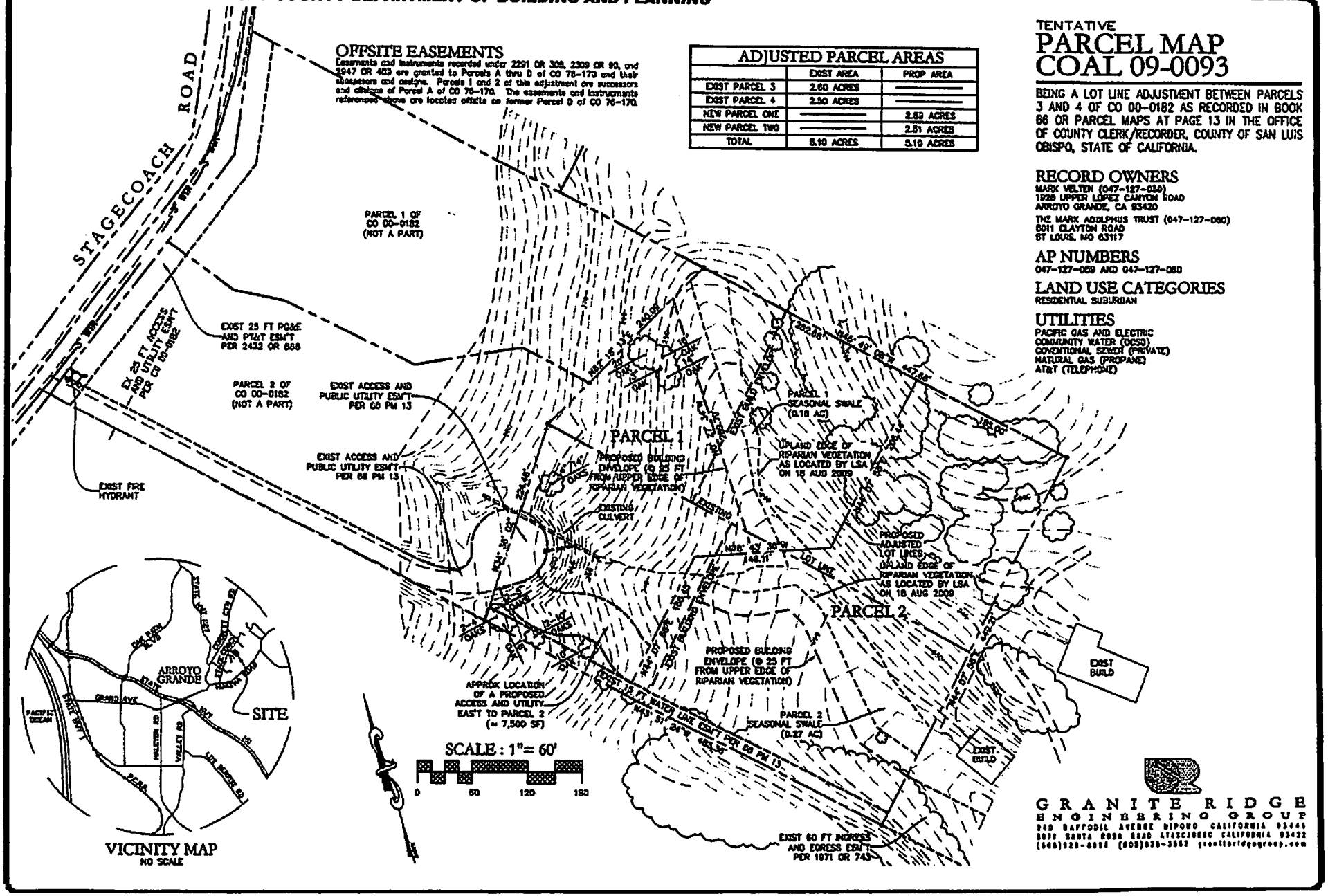
PROJECT

Lot Line Adjustment COAL09-0093
Velten SUB2009-00017

EXHIBIT

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



TENTATIVE
PARCEL MAP COAL 09-0093

BEING A LOT LINE ADJUSTMENT BETWEEN PARCELS 3 AND 4 OF CO 00-0182 AS RECORDED IN BOOK 66 OR PARCEL MAPS AT PAGE 13 IN THE OFFICE OF COUNTY CLERK/RECORDER, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

RECORD OWNERS
MARK VELTEN (047-127-059)
1928 UPPER LOPEZ CANYON ROAD
ARROYO GRANDE, CA 93420

THE MARK ADOLPHUS TRUST (047-127-060)
8011 CLAYTON ROAD
ST LOUIS, MO 63117

AP NUMBERS
047-127-059 AND 047-127-060

LAND USE CATEGORIES
RESIDENTIAL SUBURBAN

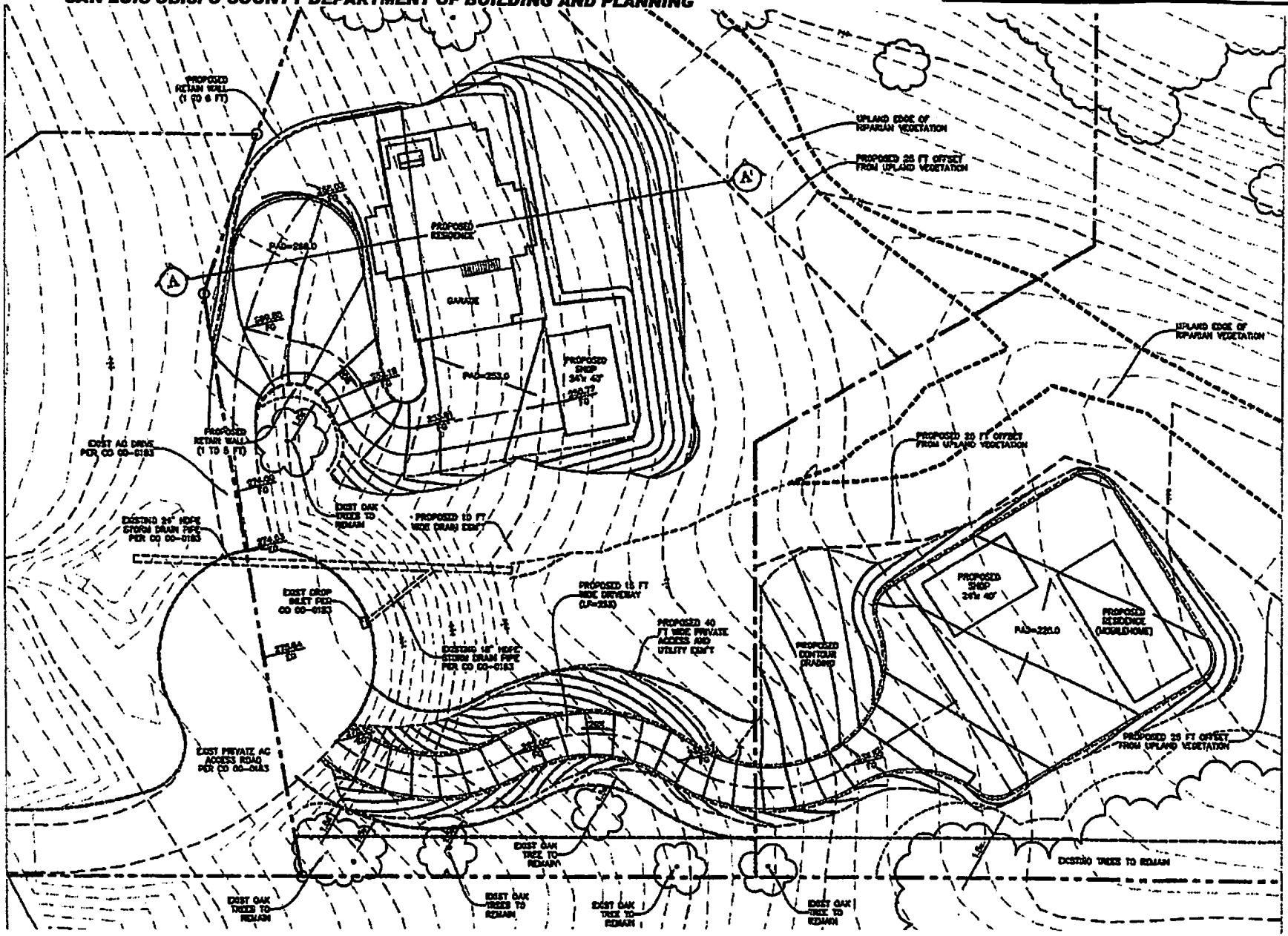
UTILITIES
PACIFIC GAS AND ELECTRIC
COMMUNITY WATER (OCSD)
CONVENTIONAL SEWER (PRIVATE)
NATURAL GAS (PROPANE)
AT&T (TELEPHONE)

GRANITE RIDGE
ENGINEERING GROUP
949 BAYPORT AVENUE NIPOMO CALIFORNIA 93444
8830 SANTA ROSA ROAD ATASCADERO CALIFORNIA 93422
(805)929-8888 (805)835-3552 graniteridgegroup.com

PROJECT
Lot Line Adjustment COAL09-0093
Velten SUB2009-00017

EXHIBIT
Lot Line Adjustment

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Lot Line Adjustment COAL09-0093
Velten SUB2009-00017

EXHIBIT

Preliminary Grading/Drainage Plan